## DETAILED ACTION

This application has been examined. Claims 5-23 are pending. Claims 19-23 are submitted as new claims. Claims 1-4 are cancelled.

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/18/2008 has been entered.

### *Priority*

This application claims benefits of priority from Foreign Application 0211803 (FRANCE) filed September 24,2002.

The effective date of the claims described in this application is September 24, 2002.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites a limitation for *creating an identifier for preserving the user's privacy.*

The Examiner notes that there is nothing the claim language that indicates how the process of creating an identifier affects/alters the operation of the gateway or other entities in the network such that user privacy is preserved. Given the current claim language any 15-digit identifier containing network provider/network user information may be interpreted to infringe on the claimed invention. Thus one of ordinary skill in the networking art would not be able to ascertain the scope and bounds of this limitation for preserving user privacy.

## *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-23 are directed towards a method for creating a data structure. A process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7 , 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asokan (US Patent 6959009) in view of what was obvious to a person of ordinary skill in the art.

Asokan disclosed (re. Claim 19) a method for the producing, through a gateway of an access provider, a first isolating identifier of a multimedia user ( Asokan-Column 8 Lines 40-45) that is compatible with the identifiers of a telephony network , said identifier having a first user identifier field, said producing including encrypting said first field by formatting the first isolating identifier in the following format:

the first identifier comprises N identifier digits for designating the user,

the first identifier comprises at least one nature digit for defining the nature of the first identifier, (Asokan-Column 7 Lines 45-50) and

the first identifier comprises M variability digits, wherein: the M variability digits depends on the nature digit,

the first identifier has a maximum size of 15 digits, (Asokan- Column 14 Lines 10-15, 'MSISDN') one digit being a computer representation for representing/encoding a decimal or hexadecimal digit and comprising 4 bits, and

the first identifier comprises at least one producer digit for designating the producer of the identifier. (Asokan-Column 3 Lines 20, '*NSAPI',* Column 7 Lines 5-10,*'network prefix'*)

The Examiner notes that Asokan is directed towards the same issues for which the claimed invention is intended, namely preventing loss of privacy in mobile networks. (Asokan-Column 8 Lines 50-60) In Asokan, MSISDN together with the NSAPI provide a unique identifier for mobile users to identify the mobile user to the gateway for signaling and data transmission. The unique identifier is generated by either at the mobile node or at the gateway node.

Asokan disclosed (re. Claim 5) wherein the identifier digits (Asokan- Column 14 Lines 10-15, 'MSISDN') are the digits 8 to 15, N being equal to 8; (re. Claim 6) wherein the producer digit (Asokan-Column 3 Lines 20, '*NSAPI',* Column 7 Lines 5-10,*'network prefix'*) is the digit 1; (re. Claim 7) wherein the nature-defining digit (Asokan-Column 3 Lines 20, '*NSAPI',* Column 7 Lines 5-10,*'network prefix'*) is the digit numbered 2.

The Examiner notes that Claims 5 thru 7 are describing an arrangement of data for the identifiers already discussed in Claim 1. There can be no patentable weight given to the arrangement of data being claimed, hence only the functionality produced by or derived from the said data structure is being examined. Since Asokan disclosed the producer digit (Asokan-Column 3 Lines 20, '*NSAPI',* Column 7 Lines 5-10,*'network prefix'*) and the nature-defining digit (Asokan-Column 7 Lines 45-50), then Asokan is deemed to disclose Claims 5-7 accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-10,20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asokan (US Patent 6959009) in view of what was obvious to a person of ordinary skill in the art.

The Examiner notes that Claims 8-10,20-21 are describing an arrangement of data for the identifiers already discussed in Claim 19. There can be no patentable weight given to the arrangement of data being claimed, hence only the functionality produced or derived the said data structure is being examined.

While Asokan substantially disclosed the invention, Asokan did not disclose (re. Claim 8 wherein the M digits enable the encoding of a date.

The combination of Asokan and what was obvious in the network art disclosed (re. Claim 8) enable the encoding of a date.

At the time of the invention it would have been well-known in the network art to encode a date within a data structure for identifying a subscriber. The motivation for said combination would have been to enable a temporary or dynamically generated identifier to be identified as obsolete.

The combination of Asokan and what was obvious in the network art disclosed (re. Claim 9) wherein the M digits enabling the encoding of a date in the month/day/time (mmddhh) format.

At the time of the invention it would have been well-known in the network art to encode a date following standard date formats such as month/day/time (mmddhh) format . The motivation for said combination would have been to enable a temporary or dynamically generated identifier to be identified as obsolete.

The combination of Asokan and what was obvious in the network art disclosed (re. Claim 10) wherein a value of 0 or 1 for the digit numbered 2 corresponds to a temporary identifier. (Asokan-Column 3 Lines 50-55)

The Examiner notes that Claim 10 is describing a mathematical value for the identifiers already discussed in Claim 19. There can be no patentable weight given to the mathematical value being claimed, hence only the functionality produced by the said data structure is being examined. Since Asokan disclosed a temporary identifier (Asokan-Column 3 Lines 50-55) then Asokan disclosed Claim 10 accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-14,17-18,22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asokan (US Patent 6959009) in view of what was obvious to a person of ordinary skill in the art further in view of Brainard (US Patent 6985583).

While Asokan substantially disclosed the invention Asokan did not disclose (re. Claim 11) wherein the M digits represent the period of time that has elapsed since the beginning of the year in progress, expressed in 1/900,000th fractions.

The Examiner notes that Claims 11,22-23 are describing an arrangement of data for the identifiers already discussed in Claim 19. There can be no patentable

weight given to the arrangement of data being claimed, hence only the functionality produced or derived the said data structure is being examined.

Brainard disclosed (re. Claim 11) representing the period of time that has elapsed since the beginning of the year in progress, expressed in 1/900,000th fractions. (Brainard-Column 8 Lines 20-25)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Brainard into Asokan. The motivation for said combination would have been to create an identifier containing time-related information that cannot be determined from the resulting identifier. (Brainard-Column 2 Lines 15-20)

Asokan-Brainard disclosed (re. Claim 12,14) wherein a value of 0, 1, 2, 3, 4, 5, 6, 7, or 8 for the digit numbered 2 corresponds to a temporary identifier. (Asokan-Column 3 Lines 50-55)

The Examiner notes that Claim 12 is describing a mathematical value for the identifiers already discussed in Claim 11. There can be no patentable weight given to the mathematical value being claimed, hence only the functionality produced by the said data structure is being examined. Since Asokan disclosed a temporary identifier (Asokan-Column 3 Lines 50-55) then Asokan disclosed Claim 12 accordingly.

Asokan-Brainard disclosed (re. Claim 13) wherein the M digits represent the period of time that has elapsed since the beginning of the year in progress, expressed in 1/800, 000th fractions. (Brainard-Column 2 Lines 15-20)

Asokan-Brainard disclosed (re. Claim 17) wherein the identifier digits and the variability digits are encrypted. (Brainard- Column 2 Lines 20-30)

Asokan-Brainard disclosed (re. Claim 18) wherein the encryption algorithm is symmetrical and produces digits. (Brainard- Column 2 Lines 20-30)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asokan (US Patent 6959009) in view of what was obvious to a person of ordinary skill in the art further in view of Ginzboorg (US Patent 6240091).

The Examiner notes that Claim 15 is describing an arrangement of data for the identifiers already discussed in Claim 19. There can be no patentable weight given to the arrangement of data being claimed, hence only the functionality produced or derived the said data structure is being examined.

While Asokan substantially disclosed the invention Asokan did not disclose (re. Claim 15) wherein the M variability digits enable the identification of a content provider.

Ginzboorg disclosed (re. Claim 15) enabling the identification of a content provider. (Ginzboorg- Column 8 Lines 15-30)

At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Ginzboorg into Asokan. The motivation for said combination would have been to differentiate between the private usage and business usage of the mobile subscriber (Ginzboorg-Column 3 Lines 35-40).

Asokan-Ginzboorg disclosed (re. Claim 16) identifying of a contract between the user and the service provider. (Ginzboorg- Column 8 Lines 15-30)

***Response to Arguments***

Applicant's arguments filed 10/03/2007 have been fully considered but they are not persuasive.

The Examiner maintains the USC 101 rejection for the following reasons.

The Examiner notes that the claims are directed towards creating a data structure which is never used by any computer and thus does not cause functional changes in any computer. While the claim recites *'producing through a gateway'*, the claims must indicate how the data structure affects/alters the operation of the gateway or other entities in the network.

Furthermore the Examiner notes that where the said data structures may be produced using manual procedures, the claims are interpreted as automating a manual procedure for an arrangement of numbers, and hence not given any patentable weight.

The Applicant presents the following argument(s) [*in italics*]:

[In Asokan]*… while an interface identifier is disclosed therein, there is no disclosure of an isolating identifier. Indeed, since the only method disclosed therein for generating the identifier is deterministic, it is not an isolating identifier since the user can be easily identified… According to the presently claimed invention, the isolating identifier makes it impossible to trace a subscriber. No routing back to the user is possible…Hence, Asokan does not disclose the claimed limitation of preserving the user's privacy regardless of what is stated in the description therein.*

The Examiner respectfully disagrees with the Applicant. The Examiner notes that the claim language does not present any indication of how the 15-digit identifier is used to isolate the user hence there is no patentable weight given to this limitation being claimed by the Applicant.

Furthermore Asokan disclosed a process of isolating the user by not having to transfer the interface identifier in protocol messages (Asokan-Column 9 Lines 1-10) thus making it fully impossible to trace a subscriber. The GGSN gateway is the only entity that is able to decode a correspondence between the mobile users' IPV6 address and the PDP context. (Asokan-Column 9 Lines 25-35)

## ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. B./
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